

SENATE BILL 2599
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 12
and Title 29, relative to eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 17, is amended by adding the following new part 13:

§ 29-17-1301. It is the intent of the general assembly that private property rights be protected over the interests of private developers and corporations.

§ 29-17-1302. With respect to the exercise of eminent domain:

(1) "Economic development" means any activity or endeavor to increase tax revenue, expand a tax base, increase employment, or promote or stimulate general economic health, when such activity or endeavor does not result in:

(A) The transfer of property to public ownership; or

(B) The transfer of property to a private entity that is a common carrier, such as a railroad or utility; and

(2) "Public use" means the possession, occupation, and enjoyment of property by the general public, or by a governmental entity; or the use of land for the creation or functioning of public utilities.

§ 29-17-1303. Eminent domain shall be exercised by the state, any political subdivision of the state, or any other entity to which the power of eminent domain has been granted only for public use. Eminent domain shall not be exercised by the state, any political subdivision of the state, or any other entity to which the power of eminent domain has been granted for economic development.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.